UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,125	01/19/2001	Jonathan E. Lowthert	42390P10483	9472

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EXAMINER
RAMAN, USHA

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/766,125	LOWTHERT ET AL.
		Examiner	Art Unit
		Usha Raman	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 September 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *62-86* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *62-86* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed September 14th, 2005 have been fully considered but they are not persuasive.

Applicant argues, "there is no indication in Zigmond that ad rules are delivered to the ad insertion device with an indication of where an ad is to be inserted in a particular stream of video". The examiner notes that the claim recites "a transmitter to transmit an information segment....and an interruption specifier" wherein the limitations of information segment is met by Zigmond transmitting ad selection criteria, and the interruption specifier is met by triggers delivered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 62, 66, 68-74, 81-82 are rejected under 35 U.S.C. 102(e) as being anticipated by Knepper et al. (US Pre Grant Pub. 2001/0042249)

In regards to claim 62, Knepper discloses a system comprising:

A transmitter to transmit an info segment (instruction set) including a content identifier to (entertainment clip name) specify the content item the info segment is associated with, and an interruption point specifier to indicate a point in the content

item to insert an advertisement (i.e. ADInsert tag indicating where advertisements

are to be placed at; see Knepper: [0054]); and

A storage (105) to store the info segment (instruction set) until the info

segment is transmitted to a receiver. See Knepper: [0026].

In regards to claims 66, 74 and 82, the transmitter (server) transmits the info

segment ("instruction set" for correlating advertisements with media programs) to the

receiver upon request. See Knepper: [0011], [0014], [0026]

In regards to claim 68, the system of Knepper further includes an info

segment generator (i.e. to create the instruction set prior to transmitting to client) to

insert a content identifier and an interruption point specifier in said info segment (the

instruction set further contains content identifier to identify primary content being

played and interruption point specifier to indicate where ads should be placed). See

Knepper: [0009], [0034].

In regards to claims 69, 73 and 81, the system includes ad entry generator

(since ad entries are created by the server in the instruction set, the system

inherently comprises an ad entry generator) to insert said interruption point specifier

in said info segment as an ad entry parameter (see Knepper: [0034], [0053], [0054]),

and to insert another ad entry parameter (association 609) consisting of a permitted

ad type specifier (i.e. type of advertisement that may be appropriate for a given

entertainment file). See Knepper: [0061].

In regards to claim 70, the system receives at the receiver (i.e. the client 203)

the info segment from an external source (i.e. server 207). See Knepper: [0034]

In regards to claim 71, Knepper discloses a method comprising:

Associating an info segment (instruction set) with a content item (entertainment

object); see Knepper: [0014]

Associating an interruption point indicator with said info segment (placement of

ADInsert tags associates interruption point with the info segment), the interruption

point indicator to indicate a point in the content item to insert an advertisement

(location of the ADInsert tag within the instruction set, indicates the point in the

content item to insert the advertisement); see Knepper: [0053], [0054] and

Delivering said info segment including said interruption point indicator to a receiver.

See [0009].

In regards to claim 72, Knepper includes the step of inserting a content

identifier (entertainment clip name) in said info segment (instruction set), said

content identifier to indicate the content item with which said info segment is

associated. See Knepper: [0009], [0034].

4. Claims 62-65, 67, 71, 75-78, 83-86 are rejected under 35 U.S.C. 102(e) as being

anticipated by Zigmond et al. (US Pat. 6,698,020).

In regards to claim 62, Zigmond discloses a system comprising:

A transmitter to transmit an info segment (ad selection criteria, see Zigmond: column

11, lines 50-53, lines 66-67, and column 12 lines 1-9) including a content identifier to

specify the content item the info segment is associated with (see Zigmond: column

12, lines 33-43, and lines 47-51), and an interruption point specifier to indicate a

point in the content item to insert an advertisement (see Zigmond: column 17, lines 24-31); and

A storage to store the info segment until the info segment is transmitted to a receiver (storage can be external storage devices, such as video tape, memory storage devices, etc. when used with the receiver, "transmit" the info segment to the receiver). (See Zigmond: column 11, lines 30-35).

In regards to claim 63, the storage stores an info segment including a plurality of fields, one field comprising said interruption point specifier, another field selected from the group consisting of a permitted ad type specifier, and a prohibited ad type specifier (via content ratings, see Zigmond: column 13, lines 48-51).

In regards to claim 64, the storage stores an EPG having a program identifier (see Zigmond: column 10, lines 64-67, column 11 lines 1-2) and an associated info segment (see Zigmond: column 11, lines 43-47).

In regards to claim 65, the system is a television broadcaster (see Zigmond: abstract, content provider 50 in figs. 3, 7 and 8)

In regards to claims 67, 75, and 83, the transmitter transmits info to the receiver without request. See Zigmond: column 12, lines 1-14.

In regards to claim 71, Zigmond discloses a method comprising:

Associating an info segment (ad selection criteria; see Zigmond: column 11, lines 43-47) with a content item (identified by program identifier, see Zigmond: column 10, lines 64-67, column 11 lines 1-2);

Associating an interruption point indicator with said info segment (see

Zigmond: column 17, lines 24-31), the interruption point indicator to indicate a point

in the content item to insert an advertisement; and

Delivering said info segment including said interruption point indicator to a

receiver (see Zigmond: column 12, lines 1-14).

In regards to claims 76, and 84, Zigmond discloses delivering the info

segment (ad selection criteria) advertisement delivery channels, including broadcast

signals (i.e. airwave). See Zigmond: column 12, lines 1-9.

In regards to claims 77, and 85, Zigmond discloses the step of delivering info

segment over a packet-switched network (information maybe delivered over the

WWW, which uses the TCP/IP and is thus utilizes the packet switched network).

See Zigmond: column 12, lines 1-9.

In regards to claims 78, and 86, Zigmond discloses delivering pre-installed ad

selection criteria in ad insertion devices (and therefore are recorded onto the devices

on a recordable medium). See Zigmond: column 12, lines 6-12.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from

the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Usha Raman whose telephone number is (571)

272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UR

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